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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,066	01/06/2004	Noel Lee	P1560	3414

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LaRiviere, Grubman & Payne, LLP  
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Monterey, CA 93942

EXAMINER
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DABNEY, PHYLESHA LARVINIA

ART UNIT	PAPER NUMBER
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2614

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11/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/753,066

Applicant(s)

LEE, NOEL

Examiner

Phylesha L. Dabney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the Response received on 29 June 2006 in which claims 1-19 are pending.

#### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 29 June 2006 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of 10/655,494 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-2, 9-10, 13-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al (U.S. Patent No. 6,999,595).

Regarding claims 1-2 and 13, Anderson teaches a flat panel monitor frame, comprising: a plurality of frame sections suitable for bordering a flat panel monitor, the frame sections comprising: a frame top (44); a frame right side (44) extending downward from the frame top; and a frame left side (44) extending downward from the frame top; at least one planar speaker (76, 88) residing in at least one of the frame sections; and a conductor (fig. 16) for electrically

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coupling the at least one planar speaker to a source of at least one speaker signal associated with the flat panel monitor.

Regarding claims 9, 14, Anderson teaches the flat panel monitor frame of claim 1, wherein a planar speaker processing circuit (62, 82) resides in at least one frame section of the plurality of frame sections.

Regarding claim 10, Anderson teaches the flat panel monitor frame of claim 1, further including at least one conventional speaker (col. 6 lines 40-45).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-8, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson.

Regarding claims 3-6, the Anderson teaches that the at least speaker could be any well-known flat panel speaker without deviating for the invention (col. 6 lines 40-45).

It is known to use a planar speaker, i.e. at least one ribbon speaker, at least one quasi-ribbon speaker, or at least one distributed mode loudspeaker (DML), made by different manufactures and used in many applications utilizing monitors, requiring flat panel speakers for

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producing upper range sound, i.e. tweeter, without needing a bulky conical system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use any of the flat panel speakers listed above in the invention of Anderson for producing sound while conserving space in the invention.

Regarding claim 7, Anderson teaches the flat panel monitor frame of claim 1, further including a plurality of grills (78, 90) disposed over the at least one planar speaker.

Anderson fails to teach the grills are removable.

However, it is known in the art to include a removable grill over the speaker(s) to beneficially allow improved cleaning of the grill so that the speaker(s) continue to be protected and optimal sound is produced. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a removable grill over the speaker(s) of the invention of the Anderson to beneficially allow improved cleaning of the grill so that the speaker(s) continue to be protected and optimal sound is produced.

Regarding claim 8, Anderson does not specifically teach the flat panel monitor frame of claim 1, wherein the at least one planar speaker is mounted in an aluminum extrusion or anything particular.

However, it is known to include aluminum alloys in frame structures for reducing electromagnetic field interference and/or aesthetic appeal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include aluminum alloys in frame structure of Anderson for reducing electromagnetic field interference.

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Regarding claims 15-16, the combination of Anderson fails to specifically teach the flat panel monitor frame of claim 1, further including a removable replaceable trim composed of wood.

However, it is known to include removably replaceable wood trim on a flat panel monitor frame for aesthetic appeal and to fill-in between adjoining sections. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include removably replaceable wood trim on a flat panel monitor frame of Anderson for aesthetic appeal and the fill-in between adjoining sections.

4. Claims **11 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson and Porzilli et al (U.S. Patent No. 6,628,793).

Regarding claim 11, Anderson teaches the flat panel monitor frame of claim 1, wherein the at least one planar speaker (76, 88) comprises at least one right planar speaker being mounted in the frame right side and at least one left planar speaker (76, 88) being mounted in the frame left side.

Anderson does not teach including at least one right conventional speaker being mounted in the frame right side and at least one left conventional speaker being mounted in the frame left side.

Porzilli teaches including multiple combinations of speakers on a monitor frame (col. 5, line 66 – col. 6, lines 21), including at least 2 speakers of different types on both the right and left sides of the frame (fig. 9), including at least one right conventional speaker being mounted in the frame right side and at least one left conventional speaker being mounted in the frame left

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side (fig. 9). Including conventional speakers widens the listening area of a speaker system beyond that of planar speakers (col. 5, lines 60-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the flat panel monitor frame disclosed by Anderson to further include at least one right conventional speaker being mounted in the frame right side and at least one left conventional speaker being mounted in the frame left side, for the benefit of widening the listening area, or "sweet spot" in front of the frame.

Regarding claim 17, see the rejection of claims 7, 13, 15-16.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson and the Prior Art of Anderson (U.S. Patent No. 6,628,793).

Regarding claim 12, Anderson teaches the flat panel monitor frame of claim 1, wherein the at least one planar speaker (76, 88) comprises at least one right planar speaker being mounted in the frame right side and at least one left planar speaker being mounted in the frame left side.

Anderson fails to teach at least one planar speaker being mounted in the frame top.

The Prior Art of Anderson (col. 1, lines 10-57) teaches including a speaker in the frame top. Including a speaker in the frame top increases the power output.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Anderson to include at least one planar speaker in the top frame for the benefit of increased power out.

Regarding claim 18, see the rejection of claims 1 and 12.

Regarding claim 19, see the rejection of claims 1, 12, and 14.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

With respect to the Applicant's arguments pertaining to 35 U.S.C. 103(a) rejections using official notice statements, the MPEP (2144.03) states that if the Applicant did not traverse the Examiner's assertion of official notice or Applicant's traverse is not adequate; the Examiner should clearly indicate in the next office action that the common knowledge or well-known in the art statement is taken to be admitted prior art.

The Applicant failed to adequately traverse the Examiner's assertion of official notice, because the Applicant did not specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241. Therefore, the official notice statements are maintained as previously stated for the reasons above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.\

**Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
P O Box 1450  
Alexandria, VA 22313-1450


**Or faxed to:**  
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

**Hand-delivered responses should be brought to:**  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

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August 28, 2007

PLD

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER